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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of: **PETITION TO AMEND THE ARIZONA RULES OF SUPREME COURT TO ADOPT NEW RULE 24 – JURY SELECTION**	Supreme Court No. R-21-0008 **COMMENT OF THE PIMA COUNTY ATTORNEY'S OFFICE IN SUPPORT OF THE PETITION**

Pursuant to Rule 28(e), Rules of the Supreme Court, Pima County Attorney LAURA CONOVER respectfully submits for this Court's consideration this Comment in support of the Batson Jury Selection Working Group's Petition to Amend the Rules of the Supreme Court of Arizona to Adopt Proposed Rule 24--Jury Selection (the "Petition").

The Pima County Attorney's Office (PCAO) is confident that all Arizona citizens are capable of fair and competent jury service, regardless of race, color, ethnicity, national origin, or other aspects of group status. In particular, the PCAO has no fear that more diverse and inclusive juries will fail to hold accountable those who have been proved guilty beyond a reasonable doubt at trial. Yet, as stated in the Petition, the

evidence shows that prospective jurors of color are disproportionately removed from juries through preemptory challenges. This is a matter of deep concern, because "justice must satisfy the appearance of justice." *Horne v. Polk*, 242 Ariz. 226, 231 (2017) (quoting *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 243 (1980)).

The PCAO is also confident that the skilled and knowledgeable trial judges of Arizona are fully capable of administering the proposed rule without undue delay or interference with voir dire. And while the PCAO joins the Arizona Prosecuting Attorney's Advisory Council in welcoming this Court's Administration Order 2021-35 forming the Task Force on Jury Data Collection, Practices and Procedures, approving the Petition now would not preclude improvements if and when further data becomes available.

For these reasons, and for the reasons stated in the Petition, and in the Comments of the State Bar of Arizona, and the Commission on Minorities in the Judiciary, the PCAO respectfully requests that this Court grant the Petition.

RESPECTFULLY SUBMITTED this 3d day of May, 2021.

LAURA CONOVER
PIMA COUNTY ATTORNEY

*Laura Conover*_____

Electronic copy filed with the
Clerk of the Arizona Supreme Court
this 3rd day of May, 2021, by:
By: *Gabriel J. Chin*